

USF Consultants

DOCKET FILE COPY ORIGINAL

Universal Service Fund - Rural Health Care Specialists

4210 Hegg Avenue PO Box 6641 Monona, Wisconsin 53716-0641

FILED/ACCEPTED

MAY 2 8 2008

Federal Communications Commission
Office of the Secretary

Fax Cover Sheet

DATE: 5/16/08 FAX: 202-418-2825 (WCB)

TO: FCC-Universal Service Fund Appeal - Rural Health

FROM: Mike O'Connor USF Consultants

Voice (608) 268 2565

Fax (608) 268 2566

Number of Attached Pages: 9

RE: ~~DAVID J. O'CONNOR~~ WC Docket No. 02-60

FY 2006 HCP 14574 FRN 27895

Laker Dalton Clinic

No. of Copies rec'd 0
List ABCDE

CONFIDENTIALITY NOTICE: This fax and any attached pages are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the fax to the intended recipient, be advised that you have received this fax in error and that any use, dissemination, forwarding, printing, or copying of this fax or attached information is strictly prohibited. If you have received this fax in error, please notify mike o'connor by return fax and then destroy it.

usf CONSULTANTS

VIA FAX 202-418-2825

FILED/ACCEPTED

Federal Communications Commission
Office of the Secretary
Room TW-A325
445 12th Street SW
Washington, DC 20554

MAY 2 8 2008

Federal Communications Commission
Office of the Secretary

May 16, 2008

WC Docket No. 02-60

Re: In the matter of Request for Review of Lake Delton Urgent Care
Decision of the Universal Service Administrator Docket Nos. 96-45 and 97-21
FY2006 HCP 14574 FRN 27895

Dear Wireline Competition Bureau,

Lake Delton Urgent Care ("Lake Delton") hereby appeals the initial decision of the Universal Service Administration Company ("USAC") denying Lake Delton's request for Rural Health Care Program support funds for telecommunication services. USAC erred in its application 47 C.F.R. § 54.605. Lake Delton respectfully requests the Federal Communication Commission ("FCC") overturn USAC's decision and provide universal service support as set forth below.

Background

Lake Delton utilizes an Ethernet Service provided by Charter FiberLink, to provide a dedicated full bandwidth 10Mbps connection from the Lake Delton Clinic to the St. Clare Hospital located in Baraboo, WI. The full bandwidth connection provides 10Mbps of throughput to link the Local Area Network at the Lake Delton Clinic to the Hospital's Data Network in Baraboo, WI.

The Lake Delton Clinic is billed separately \$1350 per month on account 99316101 for a 10Mbps Charter FiberLink Ethernet Service. The service cost includes termination(s) and mileage components.

St. Clare Hospital in Baraboo is billed separately \$2200 per month on account 96986501 for a 100Mbps Charter FiberLink Ethernet Service Connection. The service cost includes termination(s) and mileage components.

St. Clare Hospital in Baraboo has a 100Mbps connection to St. Mary's Hospital (Regional Medical Center) in Madison. The Lake Delton Clinic has a 10Mbps connection to the St. Clare Hospital. Therefore, the total full bandwidth at the St. Clare hospital is 110Mbps.

To provide an end to end connection, a completed circuit path requires the 10Mbps Ethernet Service Connection from Lake Delton to be combined with the 100Mbps Ethernet Service Connection from Madison and is delivered as a single 110Mbps multiplexed service to the St Clare Hospital in Baraboo. There is one Ethernet Channel Termination at the Clinic end (10Mbps) and one Ethernet Channel Termination at the hospital (110Mbps).

Together, the two Ethernet Channel Terminations represent a full point to point circuit.

An urban equivalence rate was provided from the Verizon Business Converged Ethernet Access Service. A 10Mbps - 60mo term plan service would be billed \$483/mo.

USAC determined the support amount for the 10Mbps Lake Delton Service would be the rural rate of \$1350 less the urban rate of \$483 x 2, or \$966, representing the cost of two individual 10Mbps Channel Terminations. The urban rate was calculated as \$966 compared to the \$1350 rural rate. Support was established as \$384.

Argument

USAO failed to take into consideration the billing of Ethernet services is on a per location basis not a per circuit basis. The rural amount of \$1350 was assumed by USAC to represent a full and complete circuit, point to point with 2 channel terminations of 10Mbps each.

However, the \$1350 billed by Charter FiberLink represents only 1 Full 10Mbps Ethernet Channel Termination, mileage, and a Partial 110Mbps Ethernet Channel Termination.

The Lake Delton Ethernet Service begins at the Clinic, transported by the Charter Network, and ending at the Baraboo Hospital. The Service is a point to point circuit in that the full bandwidth is available from end to end. The physical termination is a single Ethernet connect at the health providers locations.

An additional Ethernet Service of 100Mbps is provided from the Baraboo Hospital to the Madison Hospital. The result is an Ethernet Channel Termination of 110Mbps. Of the 110Mbps, the Lake Delton Service contributory traffic represents only 9.1 % of the bandwidth into the Baraboo Hospital.

The nature of the service is not a single 10Mbps Ethernet Connection at one end and a 10Mbps connection at the other. This service is comprised of 2 separate Channel Terminations with different bandwidths. Each must be compared individually:

The rural service is composed of a complex mixture of Ethernet Channel Terminations and mileage. The rural rate is as presented on the form 466, which is the full billed amount of \$1350.

10Mbps Ethernet Service (Lake Delton CT).....\$1350

The equivalent urban service Ethernet Channel Termination(s) has no mileage components. Therefore, the urban cost can be calculated using of a full 10Mbps Ethernet Channel Termination and the cost of a partial Ethernet Channel Termination 10Mbps/110Mbps

A single 10Mbps Ethernet Service (Urban).....\$483
1/11 of a 100Mbps Ethernet Service (Urban).....\$172*

*The cost of a 10Mbps Ethernet Channel Termination is \$483. (Verizon Business Converged Ethernet Access Service) The cost to upgrade the 10Mbps service to a 20Mbps service would be the cost of the 20Mbps Service [\$655] less the cost of the 10Mbps Service [\$483] resulting in \$172. \$172 represents the cost in the urban area to expand the bandwidth at 10Mbps and additional 10Mbps.

The calculations at the lower bandwidth, 10Mbps to 20Mbps are easier to calculate as the CEAS Table has a large number of bandwidths listed. An optional calculation at the 100Mbps rate requires the calculation be made from 90Mbps to 100Mbps or 100Mbps to 150Mbps (using 20% of the total difference to represent 10Mbps); the results are \$18 and \$123.60 for an additional 10Mbps of bandwidth.

Based on the urban rural analysis, support for the point to point 10Mbps service should equal: \$1350 (the billed amount) less the urban rates of \$483 [10Mbps] and \$172 [20Mbps-10Mbps] for a total urban rate of \$655 resulting in support of \$695.

Conclusion

For the reasons stated above, Lake Delton should be granted funding in the amount of \$695 per month representing the difference in the rural verses urban rate.

Sincerely,


Michael O'Connor
President

Michael O'Connor
USF Consultants
PO Box 6641
Monona, WI 53716
(608) 268-2565 voice
(608) 268-2566 fax
Michael@usfnw.com

Attachments: USAC Letter March 17 2008 Denial
USF Letter Dec 26, 2007 USAC Appeal
FCL HCP 14574 FRN 27895
Verizon CEAS Rates



Universal Service Administrative Company

Rural Health Care Division

Administrator's Decision on Rural Health Care Program Appeal

Via Electronic and Certified Mail

March 17, 2008

Mr. Michael O'Connor
President, USF Consultants
PO Box 6641
Monona, WI 53716-0641

Re: Request for Recalculation of Support – Multiple HCP's

Dear Mr. O'Connor:

The Universal Service Administrative Company (USAC) has completed its evaluation of USF Consultants' letters of appeal received on October 30, 2007, December 26, 2007 and January 14, 2008. USF Consultants appeals the Rural Health Care Division's (RHCD) partial funding for Funding Year 2006 applications covering six health care providers (HCP) listed in Attachment A to this letter. USF Consultants' appeal requests that USAC grant a lower urban rate, based on a point-to-hub network configuration. Upon review, USAC concludes that the requests for funding for all Funding Year 2006 applications noted in Attachment A were correctly processed.

Decision on Appeal and Explanation: Denied

This appeal requests that RHCD calculate support based on a point-to-hub urban rate. RHCD originally calculated support for this connection using a point-to-point urban rate. USAC has contacted the service providers, Charter Communication ("Charter") and CenturyTel to ascertain the appropriate method of calculating support. Charter and CenturyTel have confirmed that the connections are point-to-point circuits; therefore the corresponding urban rate should include two channel terminations. Therefore, RHCD correctly calculated support.

If you wish to further appeal this decision, you may file an appeal with the FCC. Detailed instructions for filing appeals are available at:

<http://www.usac.org/rhc/about/filing-appeals.aspx>

Sincerely,

USAC

ATTACHMENT A

Listing of Health Care Providers Subject to this Appeal

HCP No.	HCP Name	FRN
13127	Fort HealthCare – Fort Memorial	27579
13129	Fort HealthCare – Lake Mills Clinic	27624
14574	Lake Delton Urgent Care	27895
15525	Marshfield Clinic	27897
14919	Franciscan Skemp Prairie du Chien	27750
13131	Fort HealthCare Whitewater	28614

USF Consultants

Universal Service Fund - Rural Health Care Specialists
PO Box 6641 Monona, Wisconsin 53716-0641 (608) 208-2565

Letter of Appeal
Rural Health care Division of USAC
2000 L Street Northwest, Suite 200
Washington, DC 20036

December 26, 2007

Re: Universal Service Fund Appeal --Request for Recalculation of Support
Lake Delton Urgent Care HCP 14574 FRN 27895

Dear Appeals Committee,

I am providing this detailed information to assist in the determination of the appropriate amount of funding support and request for evergreen status.

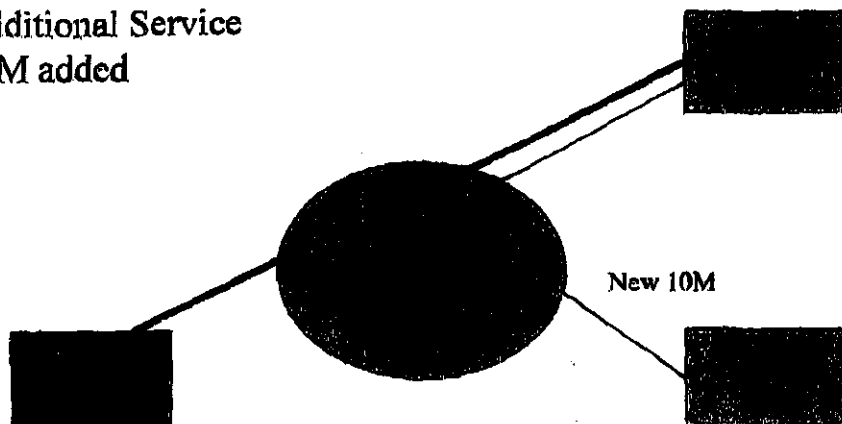
Due to the nature of the service, some additional information from the carrier apparently arrived after the packet had been processed. This includes a fully executed copy of the contract and letter from the carrier detailing the billing of the service.

Our initial request was for a Comprehensive Rate Analysis; our choice of an appropriate Urban Rate, Service Type, and Operation was provided by Verizon Business using their MPLS IP-VPN Service. This rate is available in Milwaukee, Wisconsin. A 10M service cost is \$483 per month.

The processing group doubled the \$483 per month providing a total urban rate of \$966. This would be correct if both locations had only the one service.

However, the Point to Point service had one location that already existed, Baraboo.

Additional Service
10M added



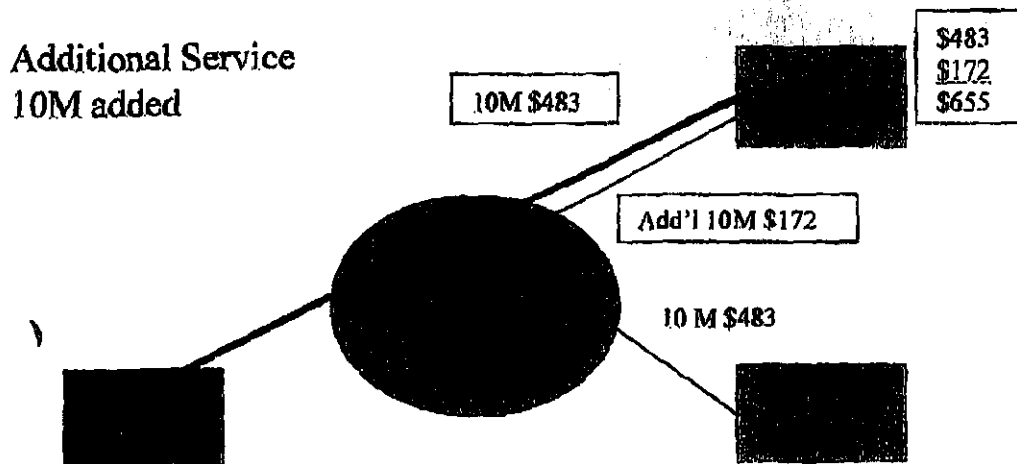
USF Consultants: Dedicated, Knowledgeable, Experienced

Dec 26, 2007
Re: Universal Service Fund Appeal

The 10Meg Service Urban Rate of \$483 per month was doubled to \$966. The result was a funding of \$1350 rural rate – a \$966 urban rate = \$384 in support

Our request is very simple. Please correct the urban rate to reflect the cost for a stand-alone location at 10M and the additional cost of the 10M added to the existing 10M facility in place.

The difference in the urban rate for a 10M service \$483 and a 20M service \$655 would be the cost of the additional 10M of bandwidth; \$172 per month.



This would increase the support for the 10M service from \$384 to \$695.

Thank you for your assistance.

Sincerely,


Michael O'Connor
President

Attachments FCL, Contract, Verizon Urban rate



Universal Service Administrative Company

Rural Health Care Division

80 South Jefferson Road
Whippany, NJ 07981

www.rhc.universalservice.org
Phone: 1-800-229-5476

November 08, 2007

Mike O'Connor
USF Consultants
P. O. Box 6641,
Monona, WI 53716-0641

Re: Funding Commitment for Funding Year 2006, Packet ID# 73981

Dear Mike O'Connor:

The Rural Health Care Division (RHCD) of the Universal Service Administrative Company (USAC) has completed a review of your FCC Forms 466 or 466A and made decisions with respect to your request for support of telecommunications or Internet services. This letter is to advise you of our decisions. We have sent this letter to both the rural HCP mailing address (above) and the rural HCP physical location (below) if these addresses are different.

HCP Number: 14574
HCP Contact Name: Lois French
HCP Name: Lake Delton Urgent Care Clinic
HCP Address: 530 Wisconsin Dells Parkway South
Wisconsin Dells, WI 53985

*Appeal
1350/mo*

In addition, a copy of this letter has been sent to your service provider listed below.

Service Provider Name: Charter Fiberlink, LLC
Service Provider Identification Number (SPIN): 143005761

Based on the information provided on your applications, the RHCD determined that the rural HCP may receive the onetime (non-recurring) and monthly recurring support amounts shown below for Funding Year 2006 (7/1/06 to 6/30/07). The estimated total support amount listed below is what the RHCD has reserved for your request.

Service: Unspecified - 10000 Kbps
Billing Account Number: 300099316101-3150002

Type of Service Agreement	Eligible Support Start Date	Support End Date	Estimated Months of Support	Non-Recurring Support Amount	Monthly Recurring Support Amount	Estimated Total Support Amount	Funding Request Number
Month to Month	7/14/2006	6/30/2007	11.58	\$2,400.00	\$384.00	\$8,846.72	27895

To help you understand the information provided in this letter, the following definitions are provided:

Service: The type of service ordered from the service provider as shown on Form 466 or 466A.